

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CINDY L. LINGLE,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

No. 4:11-CV-944 CAS

MEMORANDUM AND ORDER

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III, filed April 18, 2011. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the decision of the Commissioner denying plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-33, and supplemental security income benefits under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1383b, be affirmed. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. Defendant did not respond to the objections.

"[W]hen a party objects to the report and recommendation of a magistrate judge concerning a dispositive matter, '[a] judge of the court shall make a de novo review determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" United States v. Lothridge, 324 F.3d 599, 600 (8th Cir. 2003) (quoting § 636(b)(1)). In her objections, plaintiff reiterates the four arguments she made to the Magistrate Judge in favor of reversing the decision of the administrative law judge ("ALJ"). Plaintiff argues that (1) the ALJ did not use the proper legal standard in determining plaintiff's residual functional capacity ("RFC") in that

he failed to properly analyze evidence regarding plaintiff's mental impairments; (2) the Commissioner did not properly consider new evidence presented to the Appeals Counsel; (3) the ALJ improperly gave significant weight to a non-examining psychologist, but rejected the opinions of numerous examining medical doctors; and (4) the ALJ improperly discredited plaintiff's subjective complaints. Upon de novo review of plaintiff's objections and the record in this matter, the Court finds that it concurs with the recommendation of the Magistrate Judge for the reasons stated in his well-reasoned Report and Recommendation. The Court finds that there is substantial evidence supporting the ALJ's decision to deny plaintiff's claims for disability insurance benefits and supplement security income. Accordingly,

IT IS HEREBY ORDERED that plaintiff's objections to the United States Magistrate Judge's Report and Recommendation are **OVERRULED**. [Doc. 26]

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge is **SUSTAINED, ADOPTED, and INCORPORATED** herein. [Doc. 25]

IT IS FURTHER ORDERED that the decision of the Commissioner denying plaintiff's application for supplemental security income benefits under Title XVI of the Social Security Act and application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401, et seq., is **AFFIRMED**.

An appropriate judgment will accompany this order.

A handwritten signature in dark ink, appearing to read "Charles A. Shaw", is written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 5th day of September, 2012.